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ACTION EA 19

INFO NSCE 00,CIAE 00,SSO 00,DODE 00,USIE 00,NSAE 00,CCO 00,SAL 01,
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TO SECSTATE WASHDC FLASH 8021
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AMEMBASSY CANBERRA 610
AMEMBASSY MANILA 2453
AMEMBASSY SEOUL 801
AMEMBASSY VIENTIANE 2676
AMEMBASSY WELLINGTON 335
CINCPAC
AMCONSUL DANANG 1059

C O N F I D E N T I A L SAIGON 7437

CINCPAC FOR POLAD

SUBJECT: NATIONAL ASSEMBLY: VALIDATION OF PRESIDENTIAL ELECTION

REFS: A) SAIGON 7428, B) SAIGON 7435, C) SAIGON 7436

1. ASSEMBLY VALIDATED PRESIDENTIAL ELECTION EVENING OCTOBER 2. IN SECRET BALLOT COMPLETED AT 2345 LOCAL TIME 58 DEPUTIES VOTED TO VALIDATE ELECTION AND 43 TO INVALIDATE IT. THERE WERE 4 IRREGULAR BALLOTS AND ONE BLANK BALLOT, FOR A TOTAL OF 106 DEPUTIES VOTING. TEN DEPUTIES WERE ABSENT AND ONE, CHAIRMAN PHAN KHAC SUU, REFRAINED FROM VOTING.

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2. IN AFTERNOON SESSION (REPORTED REF A), ASSEMBLY COMPLETED ITS DISCUSSION OF ELEVEN CRITIERIA ADVANCED BY SPECIAL COMMITTEE FOR DETERMING REGULARITY OF ELECTION RETURNS. IN ADDITION IT DISCUSSED WHETHER OR NOT ARTICLE 34 OF ELECTION LAW, REUIRING THAT REPORTS FROM PROVINCES BE SUBMITTED TO NATIONAL ASSEMBLY BY SEPTEMBER 10, WAS VIOLATED. (POSSIBILITY OF VIOLATION OF ARTICLE 34 WAS PHAN KHAC SUU'S PARTICULAR FAVORITE.) ASSEMBLY DECIDED THAT "ADMINISTRATIVE AGENCIES" DID VIOLATE ARTICLE 34 BY NOT GETTING RETURN' IN ON TIME, BUT IT VOTED THAT RETURNS THEMSELVES WOULD NOT BE CONSIDERED "IRREGULAR."

3. ALSO IN AFTERNOON SESSION, PRO-GVN DEMOCRATIC ALLIANCE BLOC LEADER LE PHUOC SANG SPOKE FOR FIRST TIME DURING DEBATE ON VALIDATION. SANG DISPLAYED A LEAFLET, WHICH HE SAID WAS DISCOVERED IN HIS MAILBOX, ALLEGEDLY ACCUSING HIM OF DINING WITH GENERAL THIEU AND GENERAL KY ON SEPTEMBER 29 AND ACCEPTING 50 MILLION PIASTERS TO VALIDATE ELECTION. SANG SAID LEAFLET WAS A DIRTY LIE, HE HAD NOT SEEN THIEU AND KY LATELY AND CERTAINLY HAD NOT ACCEPTED A BRIBE. SANG ADDED THAT LEAFLET WAS OBVIOUSLY AN ATTEMPT TO PRESSURE HIM (INTO VOTING FOR INVALIDATION). HE SAID HE WOULD RESIST SUCH PRESSURE, AND, IF OBJECTIVE LOOK AT FACTS PROVED

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ELECTION TO BE FAIR, WOULD BE AMONG MOST ENTHUSIASTIC SUPPORTERS OF VALIDATION. DAM VAN QUY FOLLOWED SANG TO THE MICROPHONE, SAYING THAT HE TOO WAS NAMED IN THE LEAFLET, AND THAT HE TOO WOULD RESIST SUCH PRESSURE AND VOTE FOR VALIDATION IF WARRANTED. (PRESUMABLY THIS WAS FACE-SAVING WAY FOR SANG TO JUSTIFY SHIFT IN FAVOR OF VALIDATION. OPPOSITION DEPUTIES APPARENTLY CONSIDERED IT SOMEWHAT TRANSPARENT DEVICE AND ACCEPTED IT IN QUIET AMUSEMENT.)
RAPPORTEUR NGUYEN HUU CHUNG REVIEWED THE SEVEN CONFIRMED

VIOLATIONS OF THE ELECTORAL LAW (THIEU TV SPEECH OF SEPTEMBER 2, ETC.) AND PRESENTED FIGURES SHOWING

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IRREGULARITIES IN ELECTION RETURNS ACCORDING TO THE SIX CRITERIA APPROVED BY THE ASSEMBLY DURING DEBATE EARLIER IN THE DAY. THE REVISED FIGURES, PREPARED BY SPECIAL

COMMITTEE DURING SUPPER BREAK, SHOWED A TOTAL OF 1,449,847 INVALID BALLOTS (REF B). AS NOTED REF B, TOTAL FOR THIEU AND DZU IN "REGULAR" BALLOTS WERE 1,216,390 AND 228,309 VOTES RESPECTIVELY, GIVING THIEU A MUCH LARGER MARGIN OVER DZU THAN WHEN "IRREGULAR" VOTES ARE ADDED IN.

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5. IN DEBATE WHICH FOLLOWED, MRS DEPUTIES LY VAN HIEP, TRAN TAN VIET AND A FEW OTHERS ARGUED THAT FIGURES CLEARLY DEMANDED INVALIDATION, SINCE TOTAL NUMBER OF IRREGULAR BALLOTS EXCEED DIFFERENCE BETWEEN THIEU AND CZU IN "REGULAR"POLLING PLACES. PRO-VALIDATION STALWARTS BUI VAN GIEI AND NGUYEN VAN HEI, AS WELL AS NGUYEN HUU THONG AND SELECTED DEMOCRATIC ALLIANCE DEPUTIES, ARGUED THAT FIGURES CLEARLY SHOW BASIC FAIRNESS OF ELECTION, SINCE THIEUS MARGIN OVER DZU WAS EVEN LARGER WHEN ONLY "REGULAR" BALLOTS WERE CONSIDERED. SOME DEPUTIES CONTINUED TO CRITICIZE OVERLY STRICT APPLICATION OF CRITIERIA BY SPECIAL COMMITTEE.

6. FINALLY, AT ABOUT 2230 ASSEMBLY VOTED TO END DEBATE. BY A VOTE OF 74 TO 17 ASSEMBLY CHOSE SECRET BALLOT RATHER THAN ROLL CALL VOTE FOR FINAL DECISION. MRS DEPUTIES MADE UP MOST OF THE 17 PROPONENTS OF ROLL CALL VOTE; DEMOCRATIC ALLIANCE AND GREATER PEOPLES BLOC VOTED SOLIDLY FOR SECRET BALLOT. RAPPORTEUR CHUNG PROPOSED THAT ASSEMBLY FIRST VOTE TO ACCEPT OR REJECT THE ELECTION; THEN, IF IT VOTED FOR REJECTION, A SECOND VOTE WOULD BE TAKEN TO DECIDE WHETHER TO REJECT ENTIRE ELECTION OR ONLY "PART" OF IT (I.E. CALL FOR NEW ELECTION IN CERTAIN PROVINCES). FORTUNATELY, SECONDARY DECISION TO REJECT "ALL" OR "PART" OF ELECTION WAS UNNECCESSARY.

7. IN ONE LAST STATEMENT, CHAIRMAN SUU ANNOUNCED THAT

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"IF I HAD VOTED, I WOULD HAVE REJECTED THE ELECTION."
UNGRACIOUS TO THE END, HE THEN DECLARED THAT HE RESIGNED
HIS CHAIRMANSHIP AS OF THAT MOMENT "SO AS NOT TO BEAR
RESPONSIBILITY BEFORE HISTORY."

8. FINAL VOTE WAS TAKEN BEFORE PACKED GALLERY, WITH SAIGON
DIPLOMATIC CORPS, FOREIGN AND DOMESTIC PRESS AND VARIOUS
INTERESTED POLITICIANS COMPETING FOR ELBOW ROOM. GENERAL
LOAN APPEARED BRIEFLY DURING THE EVENING, AS HE DID EARLIER
IN THE DAY. HE WAS NOT PRESENT FOR THE VOTE, HOWEVER,
ALTHOUGH SEVERAL OF HIS ENTOURAGE DID WITNESS IT. (ONE
OF ENTOURAGE, ALONG WITH APPROXIMATELY 15 OTHER PEOPLE
INCLUDING A NUMBER OF US CORRESPONDENTS, SAT IN THE BOX
OVERLOOKING THE TABLE WHERE DEPUTIES MARKED THEIR SECRET
BALLOTS; HE MAY OR MAY NOT HAVE BEEN ABLE TO SEE HOW THEY
VOTED, BUT HE MADE SOME SORT OF NOTATION AS EACH DEPUTY
DEPOSITED HIS BALLOT.)

9. COMMENT:

A. IT SEEMS LIKELY TO US THAT THERE WILL BE VERY
LITTLE IF ANY EFFORT ON PART OF BUDDHISTS, STUDENTS OR
OTHER OPPOSITION ELEMENT TO MOUNT A PROTEST AGAINST
ASSEMBLY ACTION. GOVERNMENT HAS SHOWN ITSELF WELL IN
CONTROL OF SITUATION DURING PAST SEVERAL DAYS. WITH
EXCEPTION DEMONSTRATIONS IN FRONT OF ASSEMBLY ON SEPT 30,
POLICE HAVE HANDLED THEMSELVES WITH IMPRESSIVE RESTRAINT
AND EFFECTIVENESS. ON BASIS THIS SHOWING, GVN SHOULD HAVE
DIFFICULTY IN CONTAINING ANY EFFORTS AT PROTEST
DEMONSTRATIONS THAT MAY DEVELOP. THIS MUST CERTAINLY BE

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EVIDENT TO THOSE WHO MIGHT ATTEMPT SUCH ACTIVITIES AND
WE DOUBT THAT THEY WILL EVEN TRY. IT IS ALSO NOTEWORTHY
THAT AT NO TIME DURING PAST FEW DAYS HAVE THESE OPPOSITION
GROUPS BEEN ABLE TO EVOKE ANY SIGNIFICANT POPULAR RESPONSE

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EITHER IN SAIGON OR ELSEWHERE IN THE COUNTRY.

B. TRI QUANG REPORTEDLY HAS INDICATED THAT HE PROBABLY WOULD NOT MAINTAIN HIS VIGIL IN FRONT OF INDEPENDENCE PALACE AFTER THE VOTE WAS TAKEN, ALTHOUGH AT LAST OBSERVATION TWO RATHER RAIN-SOAKED MONKS WERE BEDDED DOWN FOR THE NIGHT ACROSS THE STREET FROM THE PALACE. BUI DIEM TOLD US THIS AFTERNOON (OCT 2) THAT THINGS WERE NOT GOING TOO BADLY IN DISCUSSION WITH THICH TAM CHAU AND HE HOPED IT MIGHT BE POSSIBLE MAKE SOME WITH RESPECT TRI QUANG WHICH WOULD ENABLE HIM AT LEAST TO CLAIM HIS VIGIL JUSTIFIED. BUI DIEM GAVE NO DETAILS.

C. WE WOULD HOPE THAT VALIDATION WILL NOW OPEN WAY FOR THIEU AND KY TO GET ON PROMPTLY WITH FORMATION OF GOVERNMENT. THIEU HAS TOLD US THAT HE EXPECTS INSTALL SENATE LATER THIS WEEK AND THERE ARE ALSO STRONG INDICATIONS AGREEMENT ALREADY REACHED ON PRIME MINISTER. VIETNAM PRESS CARRIED STORY TODAY THAT GENERAL NGUYEN DUC THONG IS ASSUMING NEW DUTIES AS DEPUTY CHIEF OF STAFF, JGS, WITH RESPONSIBILITY OF A REGIONAL AND POPULAR FORCES. THIS IS FIRST MOVE IN SERIES OF CHANGES WE MAY EXPECT IN GVN LINEUP IN COMING DAYS. ON BASIS HIS TATEMENTS IT IS POSSIBLE THAT THIEU WILL MOVE RAPIDLY IN DECIDING ON CABINET APPOINTMENTS IN ORDER INSTALL "SHADOW CABINET" WELL IN ADVANCE EXPECTED NOVEMBER 1 INAUGURATION.

D. WE SHALL, OF COURSE, TRY IN THE NEXT FEW DAYS TO ROUND OUT AS FULLY AS POSSIBLE THE PICTURE OF PROSPECTS FOR THE IMMEDIATE FUTURE. BUNKER

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